

IAP13 Rec'd PCT/PTO 12 JAN 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Ajay Gupta

GROUP ART UNIT: Unknown

SERIAL NO.: 10/560,150

PCT No.: PCT/US03/04941

EXAMINER: Unknown

FILED: February 18, 2003

FOR: SORPTION CONCENTRATOR WITH ELECTRICALLY HEATED
DESORPTION REGENERATION

DOCKET NO.: 60,274-098

RECEIVED

17 JAN 2007

Legal Staff
International Division

RENEWED PETITION UNDER 37 CFR 1.47(b)

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

Attention of the Office of PCT Legal Administration:

Dear Sir:

In response to the Decision on Petition Under 37 CFR 1.47 (b) from November 14 2006 (Exhibit A), the Applicant submits the Assignment (Exhibit B) and the Declaration (Exhibit C) both executed by Mr. Ajay Gupta, the sole inventor of the aforementioned application. The Declaration is now properly executed as set forth in 37 CFR 1.497 (b). The Assignment is now properly executed to clearly indicate the Applicant's proprietary interest in the aforementioned application, wherein the inventor agreed to assign the invention to the Applicant.

Should there be any additional fees associated with this document, please charge it to
Deposit Account No. 08-2789.

Respectfully submitted,
HOWARD & HOWARD ATTORNEYS, P.C.



Date: January 12, 2007

Michael G. Shariff, Reg. No. 58,223
The Pinehurst Office Center, Suite #101
39400 Woodward Ave.
Bloomfield Hills, MI 48304-5151
(248) 723-0400

CERTIFICATE OF EXPRESS MAILING

I hereby certify that the enclosed **Renewed Petition Under 37 CRF 1.47(b)** is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope as "Express Mail Post Office to Addressee," Mailing Label No. **EV901738295US** and addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **January 12, 2007**.



Tracy L. Smith



UNITED STATES PATENT AND TRADEMARK OFFICE

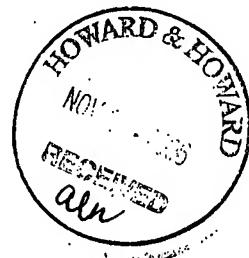
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14 NOV 2006

Response Due
Jan 14, 2007
No Extensionss



In re Application of
GUPTA, Ajay
Application No.: 10/560,150
PCT No.: PCT/US03/04941
Int. Filing Date: 18 February 2003
Priority Date: 26 July 2002
Attorney Docket No.: 60274-098
For: SORPTION CONCENTRATOR WITH
ELECTRICALLY HEATED
DESORPTION REGENERATION

DECISION ON

PETITION UNDER

37 CFR 1.47(b)

This is a decision on applicant's "Declaration of Michael G. Shariff," filed in the United States Patent and Trademark Office (USPTO) on 22 August 2006. Applicant's submission has been treated as a Petition Under 37 C.F.R. §1.47(b).

BACKGROUND

On 18 February 2003, applicant filed international application PCT/US03/04941, claiming a priority date of 26 July 2002. A copy of the international application was transmitted to the Office on 05 February 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 January 2005.

On 09 September 2005, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, a petition to revive under 37 CFR 1.137(b).

On 23 January 2006, the Office mailed Decision On Petition, granting applicant's petition to revive the above application.

On 22 March 2006, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 22 August 2006, applicant submitted a petition under 37 CFR 1.47(b) accompanied by the fee for a three month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR

1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (1), (3), and (6) have been met. (1) The \$200 petition fee will be charged to the deposit account no. 08-2789, as authorized. (3) Applicant states the last known mailing address of Mr. Ajay Gupta as 28 Nancy Place, Berkeley Heights, NJ 07922. (6) Applicant has demonstrated that irreparable harm will result if the application is not permitted to proceed.

Item (2) has not been satisfied. Applicant claims that Mr. Gupta has refused to execute the declaration, but have not provided proof that Mr. Gupta was presented with a complete copy of the application papers and has refused to sign. The letter of Ms. Edwards does not indicate that the application was included with the papers forwarded to the inventor. Copies of documentary evidence indicating that the inventor received a complete copy of the application papers should be included. Further, as Mr. Gupta's phone line was disconnected and no signature was obtained on the package sent to Mr. Gupta, it is not clear that the address to which the package was sent is current. Applicant should verify that the address to which the package was sent is current and otherwise attempt to locate a current address. MPEP 409.03(d).

Item (4) has not been satisfied. The declaration is not executed by the 37 CFR 1.47(b) applicant as set out in 37 CFR 1.497(b).

Item (5) has not been met. Applicant has not provided evidence of proprietary interest in the application. Applicant has not provided an assignment or a work agreement in which the inventor agreed to assign the invention to applicant.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(b) is DISMISSED, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3455
Facsimile: 571-273-0459

ASSIGNMENT
(Sole Inventor)

WHEREAS, I, Ajay Gupta, (hereinafter referred to as Assignor), residing at 28 Nancy Place, Berkeley Heights, New Jersey 07922, have invented new and useful improvements in:

SORPTION CONCENTRATOR WITH ELECTRICALLY HEATED DESORPTION REGENERATION

which is set forth in an application for Letters Patent filed on December 9, 2005 in the United States having Serial No. 10/560,150 and Attorney Docket No. 60,274-098.

AND WHEREAS, Dürr Systems, Inc., (hereinafter referred to as Assignee), of 40600 Plymouth Road, Plymouth, Michigan 48170, is desirous of acquiring the entire right, title and interest in and to said invention and said Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, be it known by all whom it may concern, that for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Assignor has assigned, sold and set over, and by these presents assigns, sells and seizes over unto the Assignee, its successors, legal representatives and assigns, for the territory of the United States of America and all foreign countries, the entire right, title and interest in and to said invention, said application for Letters Patent, including the right to file foreign patent applications corresponding to said application, and the right to claim the priority date of said United States patent application and any legal equivalents thereof, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and to any and all divisions, continuations, and continuations-in-part of said application, or re-issues or extensions of said Letters Patent or Patents prepared and executed by Assignor on even date herewith, the same to be held and enjoyed by the Assignee, as fully and entirely as the same would have been held by the Assignor had this Assignment and sale not been made.

AND the Assignor hereby covenants and agrees that the Assignor will at any time upon the request and at the expense of the Assignee execute and deliver any and all papers and do all lawful acts that may be necessary or desirable to perfect the title to said invention and to obtain Letters Patent therefor, and the Assignor hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to the said Assignee in accordance with this Agreement.

Dated: 12 Jan 2007



Ajay Gupta

Please address all correspondence and telephone calls and, upon recordation, please return.

this document to:

Gregory D. DeGrazia
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Bloomfield Hills, Michigan 48304-5151
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